

## HOUSE BILL No. 1200

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-18-8.

**Synopsis:** Domestic violence fatality review team. Permits a coroner to serve on a local domestic violence fatality review team. Requires a team to review a death resulting from domestic violence if the person who caused the death is charged with a crime that results in certain types of final judgment. (Current law requires a team review only when the person is charged with a crime resulting in a final judgment of conviction.) Makes the testimony of a local domestic violence fatality review team member or a report, record, or recommendation of a team inadmissible in a criminal or civil proceeding or a disciplinary action by a state agency or municipal corporation if the testimony or the report, record, or recommendation concerns the investigation of a death that the team has reviewed.

**Effective:** July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1200

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-18-8-6, AS ADDED BY P.L.181-2003,  
2       SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 6. (a) A county may establish a county domestic  
4       violence fatality review team for the purpose of reviewing a death  
5       resulting from domestic violence. The team shall review only those  
6       deaths in which the person who commits the act of domestic violence  
7       resulting in death:

8               (1) is charged with a criminal offense that results in final  
9               judgment; ~~of conviction~~; or

10              (2) commits suicide:

11                   (A) that is related in time, place, and circumstance to the death  
12                   of the victim of domestic violence; and

13                   (B) as determined by a coroner's certificate of death under  
14                   IC 36-2-14-6 or death verdict under IC 36-2-14-10.

15       (b) The legislative body (as defined in IC 36-1-2-9) of a county must  
16       determine by majority vote if the county will establish a local domestic  
17       violence fatality review team.

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(c) If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

(d) To establish a regional domestic violence fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.

SECTION 2. IC 12-18-8-10, AS ADDED BY P.L.181-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) A local domestic violence fatality review team consists of the following members:

- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider.
- (3) A representative of law enforcement from the area served by the local domestic violence review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology **or a coroner**.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of a child protective services agency.

(b) If a local domestic violence fatality review team is established in one (1) county, the legislative body that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) adopt an ordinance for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinance adopted.

(c) If a local domestic violence fatality review team is established in a region, the county legislative bodies that voted to establish the local domestic violence fatality review team under section 6 of this chapter shall:

- (1) each adopt substantially similar ordinances for the appointment and reappointment of members of the local domestic violence fatality review team; and
- (2) appoint members to the local domestic violence fatality review team under the ordinances adopted.

(d) A local domestic violence fatality review team may not have

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1 more than fifteen (15) members.  
2 SECTION 3. IC 12-18-8-16 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2004]: **Sec. 16. In a criminal or civil proceeding or a disciplinary**  
5 **action by a state agency or municipal corporation (as defined in**  
6 **IC 36-1-2-10):**  
7 (1) the testimony of a member of a local domestic fatality  
8 review team; or  
9 (2) a report, record, or recommendation of a local domestic  
10 fatality review team;  
11 is not admissible as evidence if the testimony or the report, record,  
12 or recommendation concerns the investigation of a death that the  
13 local domestic violence fatality review team has reviewed.

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